

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

DELPHINA FRANKLIN,

Plaintiff,

v.

RESURGENT CAPITAL SERVICES,

Defendant

Civil Action No. 6:15-cv-06419

PROPOSED DISCOVERY PLAN

Pursuant to this Court's Order dated September 4, 2015, the undersigned counsel for the parties propose the following discovery plan:

1. CONSENT TO TRIAL BY MAGISTRATE JUDGE

The parties have consented to Magistrate Judge Jurisdiction.

2. INITIAL DISCLOSURES

Mandatory disclosures under Rule 26(a) will be exchanged by November 5, 2015.

3. AMENDMENTS TO PLEADINGS

All motions to amend the pleadings or add parties shall be made on or before December 18, 2015.

4. FACT DISCOVERY

All factual discovery in this case, including depositions, shall be completed on or before February 12, 2016.

5. EXPERT DISCOVERY

Plaintiff shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by March 11, 2016. Defendant shall identify any expert witnesses and provide reports pursuant to Fed. R. Civ. P. 26 by April 11, 2016.

1 **6. MOTIONS TO COMPEL DISCOVERY**

2 All motions to compel discovery shall be filed at least thirty (30) days prior to the factual
3 discovery cutoff.

4 **7. PROTECTIVE / CONFIDENTIALITY ORDERS**

5 The parties do not request a protective or confidentiality order at this time, but reserve
6 the right to do so should the need arise.

7 **8. LIMITATIONS ON DISCOVERY**

8 The parties, at this time, are not contemplating any changes to the limitations on
9 discovery as set forth in F.R.C.P. 30, 33, and 34.

10 **9. ELECTRONICALLY STORED INFORMATION**

11 The parties have agreed to produce all electronically stored information in hard copy.

12 **10. DISPOSITIVE MOTIONS**

13 Dispositive motions, if any, shall be filed on or before May 13, 2016.

14 **11. ALTERNATIVE DISPUTE RESOLUTION**

15 The parties believe a settlement conference would be most fruitful upon completion of
16 discovery.

17 **12. JURY TRIAL**

18 Plaintiff made a timely demand for a jury trial. Trial is expected to last two days.
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3 DATED: 10/22/15

RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C.

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12 DATED: 10/22/15

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